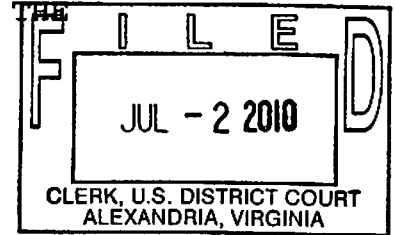


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



WILLIAM R. TEEL, JR.,)

Plaintiff,)

v.)

1:10cv303 (LMB/JFA)

CARLOS C. ROGERS,)

Defendant.)

ORDER

On June 4, 2010, a magistrate judge issued a Report and Recommendation ("Report") in which he recommended that a default judgment of \$100,000.00 be entered in the plaintiff's favor against the defendant, Carlos C. Rogers, for breach of contract (Count I) and unjust enrichment (Count II). At issue is the \$100,000.00 unpaid principal on a loan that the plaintiff made to the defendant. The Report advised the parties that any objection to either its findings or its recommendations had to be filed within ten (10) days and that failure to file timely objections would waive appellate review of any judgment based on it. As of July 2, 2010, neither party has filed an objection.

The magistrate judge correctly found that this Court has subject matter jurisdiction over this civil action under 28 U.S.C. § 1332(a)(1) because the parties are diverse and over \$75,000.00 is at issue. This Court has personal jurisdiction over the defendant and venue is proper in this district under 28

U.S.C. § 1391(a) because the defendant resides in this district.

The plaintiff effectuated service of process on April 2, 2010 by serving the defendant personally. Dkt. No. 4. The summons was returned executed on April 14, 2010. As of July 2, 2010, the defendant has not filed any responsive pleadings or otherwise responded to plaintiff's Complaint or Motion for Entry of Default Judgment.

Having fully reviewed the Report, case file, and plaintiff's Motion for Entry of Default Judgment with its attachments, the Court adopts the findings of fact and conclusions of law contained in the Report as its own. The parties entered into a loan contract in which the plaintiff loaned the defendant \$125,000.00. The plaintiff has fulfilled all of his obligations under the contract. The defendant initially fulfilled his obligations, but failed to make any payments to the plaintiff since December 14, 2009. The unpaid principal on the loan is \$100,000.00, and the defendant has been unjustly enriched in that amount. Accordingly, the plaintiff's Motion for Entry of Default Judgment [8] is GRANTED, and it is hereby

ORDERED that the plaintiff's Proposed Order of Default Judgment be and is entered.

To appeal this decision, the defendant must file a Notice of Appeal in writing with the Clerk of this court within thirty (30) days of receipt of this Order. Failure to file a timely Notice of

Appeal waives the right to appeal this decision.

The Clerk is directed to enter judgment pursuant to Fed. R. Civ. P. 55 in favor of the plaintiff and to forward copies of this Order to counsel of record for the plaintiff and to the defendant at his address of record, by certified mail, return receipt requested.

Entered this 2ND day of July, 2010.

Alexandria, Virginia

/s/ LMB
Leonie M. Brinkema
United States District Judge